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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,884	08/18/2003	Yasuhiko Kosugi	405507/0017	3366
7590	12/01/2004		EXAMINER	
Lawrence Rosenthal Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038			MOUTTET, BLAISE L	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/642,884		KOSUGI ET AL.	
	Examiner	Art Unit		
	Blaise L Mouttet	2853		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/2/04, 2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements filed on January 2, 2004 and February 2, 2004 have been considered by the examiner.

Specification

3. The abstract of the disclosure is objected to because of the use of "comprises", which is considered legal terminology, in line 2. It is suggested that "comprises" be changed to --includes--. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 10 and 11 are objected to as follows:

In claim 10, it is suggested that the syntax of the limitation be improved so as to read --..wherein the at least part of the plurality of operating circuits, that share the boosting circuit, require a substantially same operating voltage.-- which is believed to be the intent of this limitation.

In claim 11, it is suggested that the syntax of the limitation be improved so as to read --..wherein the at least part of the plurality of operating circuits, that share the

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boosting circuit, have different operating timings.-- which is believed to be the intent of this limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kosugi et al. US 2004/0155913 A1

The applied reference has two common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Kosugi et al. discloses, regarding claim 1, a container (100, figure 1) for holding printing fluid material, the container being configured to be attached to a printing device

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and communicating with the printing device via a radio wave (paragraph [0002], figure 2), the container comprising:

- a detector (SS) configured to detect a status of the printing fluid material held in the container (paragraph [0026]);

- a memory unit (EEPROM) configured to store information regarding the container (paragraph [0052]);

- a communication module (200) configured to transmit at least one of a result of the detection and the information regarding the container to the printing device (paragraph [0029], figure 5);

- a first electric power generator (240) configured to generate a first electric power by utilizing the radio wave received from the printing device (paragraph [0032]);

- a second electric power generator (220) configured to generate a second electric power from the first electric power (paragraph [0033]), the second electric power being supplied to both the detector and the memory unit (paragraph [0054]).

Regarding claims 2 and 3, the second electric power generator is taught to be a boosting charge pump (paragraph [0033]).

Regarding claim 4, the detector comprises a piezoelectric sensor element (paragraph [0026]).

Regarding claim 5, the memory unit is a rewritable non-volatile memory that requires a higher voltage for rewriting stored data than for reading the data (an inherent characteristic for an EEPROM memory, column [0052]).

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Kosugi et al. discloses, regarding claim 9, a container (100, figure 1) for holding printing fluid material, the container being configured to be attached to a printing device and communicating with the printing device via a radio wave (paragraph [0002], figure 2), the container comprising:

a first electric power generator (240) configured to generate a first electric power by utilizing the radio wave received from the printing device (paragraph [0032]);

a plurality of operating circuits (sensor SS and memory device) configured to operate at a higher operating voltage than a voltage of the first electric power (as evident from paragraphs [0033] and [0054]); and

a boosting circuit (220) configured to boost the first electric power (paragraph [0033]), the boosting circuit being shared by the plurality of operating circuits (paragraph [0054]).

Regarding claim 10, a common operating voltage is provided to the memory device and sensor as evident from paragraph [0054].

Regarding claim 11, the memory and sensor perform which share the boosting circuit perform different operations at different times (for example see figure 5 in which the sensor is operated in steps S101-S103 and the memory is operated in step S104).

Additional Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cardullo et al. US 3,713,148 is noted for historical interest as an early example of a memory device which generates it's own operating power by a rectified electromagnetic wave (commonly referred to as a passive transponder in the wireless communication art).

Okada et al. US 6,665,501 is noted for teaching amplification circuits (104a-d) configured to boost the electric power of information received from radio frequency memory devices (101a-d) on a container holding print material. However the amplification circuitry is not taught to be part of the printing material container and is not taught to share any boosted power between plural operating circuits on the container.

Allowable Subject Matter

7. Claims 6-8 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax

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phone number for the organization where this application or proceeding is assigned is
(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet November 24, 2004

Blaise Mouttet 11/24/2004